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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,537	10/08/2003	Steven W. Gomas	126361.0101	7477
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Pepper Hamilton LLP 50th Floor, One Mellon Center 500 Grant Street Pittsburgh, PA 15219				EXAMINER HARPER, V PAUL
				ART UNIT 2654 PAPER NUMBER

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/681,537	GOMAS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	V. Paul Harper	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 6/15/2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

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**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claim 1-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In this case the amendments to claims 1, 12, 18, and 25 are not supported by the specification. The amendments include the new material "the interface causes the audio output to announce information corresponding to the content" (claims 1, 12, and 18) and "the navigation control elicits auditory information relating to at least one of the individual documents when selected" (claim 25). The applicant referrs to paragraphs [0071] and [0025] (Remarks, page 10) to support these amendments where it appears that the strongest support is the statement in paragraph [0071], "[o]peration of the Client 12 in normal (stand-alone) mode includes using the keys on the face of the device to cause it to "read" (speak) a selected content file, and to navigate through ... ", supporting a much narrower statement of functionality than the amended claims.

The following rejections are made in view of the above rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 5-9, 12-22, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (U.S. Patent 5,721,827), hereinafter referred to as Logan, in view of Waldman (U.S. Patent 5,311,175), hereinafter referred to as Waldman.

Regarding **claim 1**, Logan discloses a system for electronically distributing personalized information. Logan's system includes the following:

- a ... user interface ...that, when activated, the interface causes the audio output to announce information corresponding to the content (col. 12, lines 16-22, keyed input [activation] the controls playback of content);
- a memory that contains a database of content (Fig. 1, item 107, col. 3, lines 5-10);
- a text-to-speech converter (col. 3, lines 15-18, abstract); and
- an audio output (Fig. 1, items 110 and 113).

Logan teaches the use of an interface with both keyed and voiced command entry (col. 12, lines 17-20), but Logan does not specifically teach "a tactile user interface adapted to be operated by a print-disabled individual. However, the examiner contends that this concept was well known in the art, as taught by Waldman.

In the same field of endeavor, Waldman teaches a method for pre-identification of keys on a keypad using tactile information which is of value to a visually impaired individual (abstract, col. 2, lines 25-67, dual-press systems where keys are pressed for information and a second time for function).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Logan by specifically providing the keypad, as taught by Waldman, because it is well known in the art at the time of invention to be advantageous for a visually impaired individual to use such a keypad (Waldman, col. 2, lines 25-30).

Regarding **claim 2**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 1); in addition, Logan teaches "the content comprises compressed audio format content files and compressed text format content files" (col. 3, lines 5-18).

Regarding **claim 3**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 2); in addition, Logan teaches "the device is configured to decompress the text format content files and the text-to-speech converter is configured

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to deliver the decompressed text format content files in audio format in response to a user input" (col. 3, lines 15-20; col. 4, lines 58-65).

Regarding **claim 5**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 2); in addition, Logan teaches "each audio format content file and each text format content file is associated with at least one index file that is stored in the memory" (Fig. 5, col. 17, lines 10-15).

Regarding **claim 6**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 5); in addition, Logan teaches "when a user selects an audio content format file, the text-to-speech converter is programmed to convert selected non-audio format information associated with the audio content format file into an audio format and present the converted selected information to the user as text-to-speech (col. 3, lines 14-20).

Regarding **claim 7**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 2); in addition, Logan teaches "a decompression module that decompresses a user-selected compressed audio format content file or text format content file in real time during presentation of the file in audio format to a user" (col. 3, lines 1-18, playing audio files that are compressed necessarily involves a decompression step).

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Regarding **claim 8**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 1); in addition, Logan teaches the use of "a communication means that receives content updates from a remote computing device" (Fig. 1, items 123, 121, and 117; col. 6, line 45 through col. 7, line 21).

Regarding **claim 9**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 1); in addition, Logan teaches "a processor programmed with time scale modification functions that adjust a delivery speed of the content for a plurality of file types when the content is presented to a user through the audio output" (col. 7, lines 44-45; col. 8, lines 60-61; col. 3, lines 13-19; compressed audio and/or text files converted into audio).

Regarding **claim 12**, Logan in view of Waldman discloses a system for electronically distributing personalized information. Logan's system includes the following:

- a server that includes a server content database and a server subscriber database (Fig. 1, "Program Data Library", item 143; Fig. 2)
- one or more portable electronic devices, each portable electronic device in communication with the server (Fig. 1, item 103; col. 3, lines 1-2, a laptop is a portable electronic device).

The remaining limitations are similar to those found in claim 1 and are rejected for the same reasons.

Regarding **claim 13**, Logan in view of Waldman teaches that "each portable electronic device is programmed to periodically communicate with the server, receive an update from the server content database, and update the device content database with the update from the server content database" (Fig. 2, col. 1, lines 38-47; col. 2, line 3, col. 5, lines 20-37).

Regarding **claim 14**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 12; in addition, Logan teaches that "the content database of the portable device comprises compressed audio format content files and text format content files" (col. 3, lines 5-18).

Regarding **claim 15**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 14); in addition, Logan teaches the use of an "audio file generator in communication with the server, wherein the audio file generator pre-processes the compressed audio format content files" (Fig. 6, step before step 440).

Regarding **claim 16**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 12); in addition, Logan teaches the use of "at least one communications link between the server and a plurality of remote content providers, wherein at least a portion of the content in the server content database has been

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received from the plurality of remote content providers via the at least one communications link" (Fig. 4, item 315, col. 4, lines 58-61; col. 12, lines 35-45).

Regarding **claim 17**, this claim has limitations similar to claim 9 and is rejected for the same reasons.

Regarding **claim 18**, this claim has limitations similar to those in claims 1, 9, 12 and 13 and is rejected for the same reasons.

Regarding **claim 19**, this claim has limitations similar to those in claim 15 and is rejected for the same reasons.

Regarding **claim 20**, this claim has limitations similar to those in claim 16 and is rejected for the same reasons.

Regarding **claim 21**, this claim has limitations similar to those in claim 5 and is rejected for the same reasons.

Regarding **claim 22**, this claim has limitations similar to those in claim 13 and is rejected for the same reasons.

Regarding **claim 24**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 18); in addition, Logan teaches that "in response to a request from a user to receive a content file, verifying that the user is authorized to receive the requested content file" (col. 10, lines 9-20).

Regarding **claim 25**, Logan in view of Waldman discloses a system for electronically distributing personalized information. Logan's system includes the following:

- at least one volume control (col. 3, lines 29-31);
- a document library control (Fig. 5, col. 7, lines 13-45; col. 13, line 55 through col. 14, line 41);
  - a table of contents control for selecting a table of contents in the document library (Fig. 5, col. 7, lines 21-45, for creating a selections file, col. 32, lines 51-67).
  - a document selection control (Fig. 5, col. 7, lines 13-45); and
  - a plurality of navigation controls for navigating through the document library and through individual documents selected from the library (col. 13, line 55 through col. 14, line 41);
    - wherein at least one of the navigation controls ... elicits auditory information relating to at least one of the individual documents when selected (col. 12, lines 16-22, keyed input the controls playback of content; col. 13, line 55 through col. 14, line 41);

Logan teaches the use of an interface with both keyed and voiced command entry (col. 12, lines 17-20) and as stated above this interface has a variety of functions,

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but Logan does not specifically teach "wherein at least of the navigation controls are **adapted to be tactiley operated by a print-disable individual....**" However, the examiner contends that this concept was well known in the art, as taught by Waldman.

In the same field of endeavor, Waldman teaches a method for pre-identification of keys on a keypad using tactile information which is of value to a visually impaired individual (abstract, col. 2, lines 25-33).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Logan by specifically providing the keypad, as taught by Waldman, because it is well known in the art at the time of invention to be advantageous for a visually impaired individual to use such a keypad (Waldman, col. 2, lines 25-30).

Regarding **claim 26**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 25); in addition, Logan teaches the use of "at least one bookmark control" (col. 14, line 41-45).

Regarding **claim 27**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 25); in addition, Logan teaches that "the plurality of navigation controls include a forward control and a back control (col. 13 line 55 through col. 14, line 41, SKIP--forward, BACK commands).

Regarding **claim 28**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 25); in addition, Logan teaches that "the plurality of navigation controls include a document start control and a document end control" (starting col. 12, "User Playback Controls, "GO", Skip; col. 12, lines 21, interrupt playback).

3. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Waldman and further in view of Kiraly et al. (U.S. Patent 6,324,511), hereinafter referred to as Kiraly.

Regarding **claim 4**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 2), but Logan does not specifically teach "the text format content files have been pre-processed to filter material that is not necessary for text-to-speech conversion." However, the examiner contends that this concept was well known in the art, as taught by Kiraly.

In the same field of endeavor, Kiraly discloses a method for multimodal information presentation to computer users with a visual impairment. In addition, Kiraly teaches the use of filters to filter out text that will be processed by text reader software (col. 14, lines 41-51).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Logan in view of Waldman by specifically providing the filtering, as taught by Kiraly, because it is well known in the art at the time of invention for the purpose of eliminating extraneous content (Kiraly, col. 14, line 46).

Regarding **claim 11**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 1), but Logan does not specifically teach “the print-disabled individual is at least one of blind, visually impaired, dyslexic, or of less than complete literacy.” However, the examiner contends that this concept was well known in the art, as taught by Kiraly.

In the same field of endeavor, Kiraly discloses a method for presentation of information to computer users with dyslexia, reading disabilities or visual impairments (title). Kiraly further teaches that one approach is to read text-based data with a synthesizer (col. 14, lines 41-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Logan in view of Waldman by specifically providing support for print-disabled individuals, as taught by Kiraly, because it is well known in the art at the time of invention that such individuals need access to computers (Kiraly, col. 1, line 65 through col. 2, line 20).

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Waldman and further in view of Tjaden (U.S. Patent 6,122,617), hereinafter referred to as Tjaden.

Regarding **claim 10**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 1), but Logan does not specifically teach the use of a

"decryption module that, when a user selects a content file that is encrypted, decrypts the selected content, the examiner contends that this concept was well known in the art, as taught by Tjaden.

In the same field of endeavor, Tjaden discloses a personalized audio information delivery system that uses text-to-speech synthesis and encryption (Tjaden, col. 3, lines 5-10; col. 5, lines 5-10 and 60-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Logan in view of Waldman by specifically providing the encryption capability, as taught by Tjaden, because it is well known in the art at the time of invention for the purpose of providing privacy over data transport networks (Tjaden, col. 5, lines 8-10).

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Waldman and further in view of Kikinis (U.S. Patent 6,055,566), hereinafter referred to as Kikinis.

Regarding **claim 23**, Logan in view of Waldman teaches everything claimed, as applied above (see claim 18), but Logan does not specifically teach "the step of periodically updating is performed by providing the user with a replacement memory that contains the updated text format content files and audio format content files. However, the examiner contends that this concept was well known in the art, as taught by Kikinis.

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In the same field of endeavor, Kikinis discloses a customizable media player with online/offline capabilities. Kikinis's system includes removable memory that can store documents used for text-to-speech (col. 2, lines 41-50, col. 6, lines 10-16).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Logan in view of Waldman by specifically providing replacement memory, as taught by Kikinis, because it is well known in the art at the time of invention for the purpose of allowing updates while the device is offline.

#### ***Citation of Pertinent Art***

6. The following prior art made of record but not relied upon is considered pertinent to the applicant's disclosure:

- Naimpally et al. (U.S. Patent Application Publication 2003/0105639 A1) teach a method and apparatus for audio navigation of an information appliance. Naimpally's teachings include the downloading and playing of a portion of an audio file and the use of an electronic program guide to access information.

#### ***Response to Arguments***

7. Applicant's arguments filed 6/15/2005 have been fully considered but they are not persuasive.

8. Applicant asserts on page 10:

Thus, the keypad of Waldman et al. does not effectively help a print-disabled user navigate through a database of content, as its audio output relates to the keys, not the content itself. *Indeed, the combination of*

*Logan et al. and Waldman et al. does not teach or suggest a tactile user interface that, when activated, causes an audio output to announce information pertaining to the content.* Accordingly, for at least this reason, claims 1, 12 and 18 are allowable over the prior art cited by the Examiner. (Italics added)

See 112 1<sup>st</sup> rejection §1. Waldman discloses a tactile interface with a dual-press functionality, where a key is pressed the first time for identification and a second time for function (col. 2, lines 25-67), and Logan teaches the playback of content (or information related to content [note: see applicant's remarks, p. 11, lines 8-9, "information may include ... content of document itself]) after a keyed input (col. 12, lines 16-22). Thus, Logan in view of Waldman teaches "a tactile user interface that, when activated, causes an audio output to announce information pertaining to the content."

9. Applicant asserts on page 11:

Moreover, independent claim 25 incorporates features not disclosed in the prior art cited by the Examiner. In particular, neither Logan et al. nor Waldman et al. teaches or suggests a user interface for a portable electronic device having a navigation controls that elicits auditory information pertaining to at least one individual document when selected, as required by claim 25. Such information may include, for example, a document title, a table of contents heading, or *content of the document itself*. The amendment to claim 25 finds support at various sections of the detailed description, including but not limited to paragraphs [0071] and [0025]. (Italics added)

See §8, above, where the navigation controls corresponds to the keyed input of Logan in view of Waldman. And the remaining limitations are also taught by Logan in view of Waldman (see rejection of claim 25).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Paul Harper whose telephone number is 703 305-4197. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 703 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

03/03/2005

V. Paul Harper  
Patent Examiner  
Art Unit 2654

